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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,545	03/14/2001	Yuu Suzuki	05905.0133	5622
7590	11/22/2004		EXAMINER	
Finnegan Henderson Farabow Garrett & Dunner 1300 I Street NW Washington, DC 20005-3315			ONEILL, MICHAEL W	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/700,545	SUZUKI ET AL.
	Examiner	Art Unit
	Michael O'Neill	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 March 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 and 26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6-30-04 has been entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

The disclosure is objected to because of the following informalities: certain words have brackets of the type "[]" around them without an justification therefor in the grammatical sense, see e.g. pages 1, 4-7, 13, 15-17, etc that have these words: [a player], [objects], [this difference], [show that], [when the results], [the process], [the game], [a response], etc. It appears that the Applicants have been prosecuting the instant application for over three years as they still have not bothered to read their specification and correct these annoying errors to a reader skilled in the art with an amendment. These

Art Unit: 3713

errors are throughout the instant specification and need to be corrected. Correction is required.

Claim Rejections - 35 USC § 112

The rejection of claims 1-15 and 26 under 35 U.S.C. § 112, first paragraph, is maintained from the Office action of 3-30-04 and is incorporated herein.

Claim Rejections - 35 USC § 103

The rejection of claims 1-15 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Aoshima et al. in view of Yamada further in view of Applicant's Admission of Prior Art is maintained from the Office action of 3-30-04 and is incorporated herein.

Response to Arguments

Applicant's arguments filed 6-30-04 have been fully considered but they are not persuasive. The remarks parallel the last set of remarks in the response dated 1-16-04. The Examiner fully addressed those remarks with respect to 35 U.S.C. §§ 112-1 and 103(a) in the Office action of 3-30-04. The instant Examiner is incorporating those eloquently stated remarks into this Office action because those remarks best express and address the issues. The instant Examiner would like to add some additional comments on the prosecution of the instant application taken by the Applicants. First comment is

Art Unit: 3713

that the instant Examiner has thoroughly read the instant specification and does not find any basis for what is claimed within the amended claims 1-15 and 26. Pages 14 and 15 is where an embodiment of the invention is described. In sum, the disclosed invention is not couched in the terms that the Applicants are using to argue that the claimed invention is enabled by the instant specification. Page 14 is where the preferred embodiment is disclosed. It is described the protagonist character meets the practice character and a dialogue ensues. On page 15, it is described that the practice mode begins. On this page, it is further described that if the protagonist character performs the technique properly then praise is given, if not, then corrective action is given. Pages 17-20 is where another embodiment is disclosed. On page 17, it is described that during a roll playing game the practice character appears and a scene for training special techniques is displayed on the screen. Further on this page is described that the protagonist character has the option to accept training at this time. Page 18 is where it is described the competition between the protagonist and a competing character and where the ending of the competition is decided. Further on this page it is described that upon the ending of the competition either the game is over or the game loops back to practice mode. Page 19

Art Unit: 3713

elaborates on the practice mode. What is described therein is the protagonist character and practice character converse on a variety of subjects, some are unrelated to the game's progress but are important to have in order to increase the player's interest in the game. There appears described that the practice character tells the protagonist character what to do whereby the player does what is told by utilizing the controls on the input device. Practice continues until the player know how to and what needs to be pressed on the input device to have the protagonist character perform the practiced feat.

Further responding to the Applicants traversal of the 103(a) rejections, the Examiner respectfully disagrees with the Applicants contention that the Examiner did not establish the *prima facie* case and that all limitations are not disclosed, taught or suggested by the combination of references. The rejection makes clear what each reference discloses, teaches or suggests to one of ordinary skill in the art and why one skilled in the art would find it obvious to combination the references to meet the limitations of the claimed inventions.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and

Art Unit: 3713

art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114.

Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael O'Neill whose telephone number is 571-272-4442. The examiner can normally be reached on Monday through Friday 8:30 am to 5 pm.

Art Unit: 3713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MICHAEL O'NEILL
PRIMARY EXAMINER